

REMARKS

The present response is filed with a Request for Continued Examination (RCE), and is responsive to the Office Action mailed in the above-referenced case on December 13, 2002, made final. Claims 1-17 are pending for examination. Claims 1, 3-7, 9-15, and 17 remain rejected under 35 U.S.C. 103(a) as being anticipated by Guy et al. (US 5,940,479) hereinafter Guy. Claims 2, 8 and 16 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Guy in view of Andrews et al. (US 5,848,143) hereinafter Andrews.

To the last response filed by applicant on September 3, 2002, and in previous Office Action responses, applicant has argued extensively regarding setting up and manipulating call legs, particularly the intermediate legs between routers. Applicant argues that Guy clearly does not teach, nor is there any motive for suggestion for, establishing and maintaining call legs which may be manipulated independently of any other call legs without degrading the entire connection. The Examiner has not found applicant's previous arguments to be persuasive.

Applicant has again carefully studied the reference of Guy, and the Examiner's rejections and statements in the instant Office Action. In response, applicant herein amends the claims to more particularly point out and distinctly claim the subject matter regarded as patentable, and to distinguish unarguably over the references as cited and applied by the Examiner.

Applicant's invention teaches manipulation of established call legs provided by software setting up and maintaining separate and distinct end node legs between call appliances and routers, and separate and distinct intermediate legs between routers, and then joining and disjoining the legs to establish voice communication and to provide telephony functions between the separate IP call appliances. Applicant's invention also teaches, as has also been clearly pointed out to the Examiner in previous responses, maintaining disjoined call legs in an

established state such that they may be re-joined to other established call legs at a future point. Disjoining call legs but remanding them in an established state avoids reset procedures inherent to prior art IP networks, and enables the network to handle more calls using fewer resources, and the calls may therefore be established and routed much more quickly compared to prior art systems, such as that taught in Guy, that do not teach such manipulation of call legs.

Applicant regards the teaching of, once call legs are established and joined, they may be disjoined and maintained in an established state for future use to be re-joined to other established call legs, as key and patentable subject matter which, thus far, the Examiner has not specifically and adequately addressed in the instant Office Action and in previous Office Actions. Applicant's dependent claims 3, 9 and 15 specifically recite the key limitation, and applicant argues that the Examiner has blatantly ignored applicant's key argument provided regarding the limitation as taught in applicant's invention.

Applicant therefore herein amends the independent claims to specifically recite that the call legs, once established and joined or disjoined, are maintained in the established state for future use to be re-joined to other established call legs. Depending claims 3, 9 and 15 are accordingly herein canceled. Applicant reproduces claim 1 with said amendment below. The Examiner must now specifically address the key limitation, and provide specific response to applicant's previous arguments that Guy clearly and unarguably does not teach, suggest, or have any motivation for the above limitation.

Applicant's claim 1 as amended now recites:

*1. (Amended) A system for simulating connection-oriented telephony functions in an IP network, comprising:
two or more IP routers interconnected with at least two Internet-capable call appliances on the network; and*

software managing setup and execution of IP calls between the two or more Internet-capable call appliances through the routers;

wherein IP calls are managed between one of said call appliances originating IP calls, wherein the IP calls terminate to an end destination of another of said call appliances by the software by setting up separate and distinct end node legs between call appliances and routers, and separate and distinct intermediate legs between routers, and then joining and disjoining legs to establish voice communication and to provide telephony functions between said call appliances, and maintaining call legs once established for future use to be rejoined to other established call legs.

Applicant's independent claims 7, 13 and 17 are similarly amended to include the above key limitation. Said amendments are detailed in the Markups section at the end of the present response.

Applicant strongly argues that the reference of Guy does not clearly teach, nor is there any motive or suggestion provided, of manipulation of established call legs provided by software setting up and maintaining separate and distinct end node legs between call appliances and routers, and separate and distinct intermediate legs between routers, joining and disjoining the legs to establish voice communication and to provide telephony functions between the separate IP call appliances, and maintaining disjoined call legs in an established state for future re-joining with other call legs.

Claims 1, 7, 13 and 17 as amended are now clearly and unarguably patentable over the art of Guy as argued above. Dependent claims 2, 4-6, 8, 10-12, 14 and 16 are then patentable on their own merits, or at least as depended from a patentable claim.

As all of the claims left standing and as amended are clearly shown to be patentable over the art of Guy, the reference now fails as a primary reference for rejecting applicant's claims as amended, singly or in combination with Andrews.

Applicant therefore respectfully requests that the rejections be withdrawn after final, and that the case be passed quickly to issue.

If any fees are due beyond fees paid with this amendment, authorization is made to deduct those fees from deposit account 50-0534. If any time extension is needed beyond any extension requested with this amendment, such extension is hereby requested.

Version With Markings to Show Changes Made

In the claims:

1. (Amended) A system for simulating connection-oriented telephony functions in an IP network, comprising:

two or more IP routers interconnected with at least two Internet-capable call appliances on the network; and

software managing setup and execution of IP calls between the two or more Internet-capable call appliances through the routers;

wherein IP calls are managed between one of said call appliances originating IP calls, wherein the IP calls terminate to an end destination of another of said call appliances by the software by setting up separate and distinct end node legs between call appliances and routers, and separate and distinct intermediate legs between routers, and then joining and disjoining legs to establish voice communication and to provide telephony functions between said call appliances[.], and maintaining call legs once established for future use to be rejoined to other established call legs.

Cancel claim 3.

7. (Amended) A method for simulating connection-oriented telephony functions in an IP network, comprising steps of:

(a) managing IP calls by interconnecting two or more IP routers with two or more Internet capable call appliances on a network, at least one of said call appliances originating the IP calls, and terminating IP calls to destinations at another of said call appliances;

(b) setting up separate and distinct end-node call legs between the call appliances and routers, and separate and distinct intermediate call legs between routers;[and]

(c) joining and disjoining legs to provide telephony functions between said call appliances[.]; and

(d) maintaining one or more disjointed legs in established state for future use to be rejoined to other established call legs in providing telephony functions.

Cancel claim 9.

13. (Amended) A method for establishing an IP telephone call from a first IP-capable appliance through first and second IP routers to a second IP-capable appliance, comprising steps of:

(a) setting up a separate and distinct end-node call leg between the first appliance originating an IP call and the first router;

(b) setting up a separate and distinct end-node call leg between the second appliance receiving and being the destination for the IP call, and the second router;

(c) setting up at least one separate and distinct intermediate call leg between the first and second IP routers; and

(d) joining the call legs to establish voice communication between said first and second appliances[.]; and

(e) maintaining call legs after being disjointed from active calls to be used later to be joined to other call legs to create other active calls.

Cancel claim 15.

17. (Amended) A system for simulating connection-oriented telephony functions in an IP network, comprising:

two or more IP routers interconnected with two or more Internet capable call appliances on a network; and


software managing setup and execution of IP calls between said call appliances through the routers;

wherein IP calls are managed by the software by setting up call legs between said call appliances and routers, and between routers, which can then be manipulated, disjoined and joined to establish voice communication and to provide telephony functions between said call appliances, and maintaining call legs once established for future use to be rejoined to other established call legs, wherein one of said call appliances is the originator of the IP calls and another of said call appliances is the end destination of the IP calls.

Respectfully Submitted,

Leonid Yegoshin

by



Donald R. Boys

Reg. No. 35,074

Donald R. Boys
Central Coast Patent Agency
P.O. Box 187
Aromas, CA 95004
(831) 726-1457